

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. Following a continuance at the Department's request, a hearing was held on this matter on February 8, 2005. At that time the petitioner failed to appear, but she was represented by an attorney, who appeared on her behalf.

4. The petitioner (through her attorney) alleged that the Department's written notice to her in November 2004 had not contained an adequate explanation of the reasons for the reduction in her RUFA grant.

5. The petitioner (through her attorney) conceded, however, that the underlying basis of the Department's action was factually and legally correct, and that *at least as of the date of the hearing* she had received *de facto* notice of this basis.

6. The petitioner also conceded that (based on prior rulings of the Board) her entitlement to continuing benefits at the pre-notice level would end as of the Board's affirming the Department's (no longer contested) decision.

7. The parties agreed that any issue as to the legal sufficiency of the Department's original written notice, and its effect on the amount of the petitioner's benefits from December 1, 2004 to the date of the Board's decision affirming the Department, could be reserved until such time as the Department assesses an overpayment of the RUFA benefits the petitioner received during this time pending her appeal.

ORDER

On the basis of the above agreement by the parties, the Department's decision is affirmed.

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